

CHAPTER 35 CONTRACTOR REQUIREMENTS

481—35.1(137A,137B,137C,137D,137E) Definitions. Definitions in 481—30.2(10A) and Iowa Code sections 137A.1, 137B.2, 137C.2, 137D.1 and 137E.1 are hereby incorporated by reference as part of this chapter.

481—35.2(137A,137B,137C,137D,137E) Contracts. A municipal corporation or county may enter into an agreement with the department to license, inspect and enforce under Iowa Code chapters 137A, 137B, 137C, 137D and 137E.

35.2(1) The department will investigate the municipal corporation or county to determine if it possesses adequate resources to fulfill the requirements of the contract.

35.2(2) A copy of the contract is available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

481—35.3(137A,137B,137D,137E) Contractor. To enter into an agreement with the department, the contractor must comply with the requirements of this chapter and the applicable sections of the Iowa Code.

35.3(1) The contractor shall furnish the personnel, materials, services and facilities necessary to perform the required functions of the contract.

35.3(2) The contractor is not an authorized agent of the state of Iowa.

35.3(3) As directed by the department, the contractor shall conduct inspections for beer and liquor and fire code violations.

35.3(4) The contractor shall cooperate with the department's monitoring activities in areas under the scope of this agreement.

35.3(5) In addition to the above, the contractor shall:

- a.* Provide 24-hour-a-day, 7-day-per-week continuous coverage of the facilities under contract;
- b.* Ensure that personnel are available at all times to respond to complaints, investigations, emergencies and other situations;
- c.* Furnish appropriate backup personnel to maintain continuous coverage regardless of vacations, illnesses, vacant positions or other inspection staff absences;
- d.* Supply trained personnel who are prepared and have the capability to perform inspections; and
- e.* Provide other information as requested by the department in regard to inspections and licenses issued under the contract.

481—35.4(137A,137B,137C,137D,137E) Contractor inspection personnel. Contractor inspection personnel should possess the knowledge, skills and training necessary to perform the requirements of the contract.

35.4(1) Contractor inspection personnel must possess experience and education qualifications equal to those required for state food and sanitation inspectors. Additionally, this experience must include application of the FDA Model Retail Food Store Sanitation Code, the Food Service Sanitation Ordinance or similar food inspection regulations.

Municipal corporations or counties that wish to contract with the department to perform food inspections under Iowa Code chapters 137A, 137B, 137C, 137D and 137E, but who do not have trained personnel to perform these services, shall reimburse the department for the cost of providing the required training.

35.4(2) The salary received by contractor inspection personnel should be comparable to state inspection personnel.

35.4(3) Contractor inspection personnel shall participate in state-sponsored training activities.

481—35.5(137A,137B,137C,137D,137E) Investigation. The contractor shall investigate all alleged food-borne illnesses in areas licensed and inspected under this agreement. The contractor shall notify the department immediately of the existence of any food-borne or other illness caused by, or suspected to have been caused by, unsanitary conditions existing within the jurisdiction of the contractor.

481—35.6(137A,137B,137C,137D,137E) Inspection standards. Inspections shall be completed using forms prescribed by the department for those inspections. The contractor shall follow applicable standards for inspections found in Iowa Code chapters 137A, 137B, 137C, 137D and 137E. Inspections shall be conducted pursuant to 481—Chapters 30 to 34 and 37.

Copies of inspection standards are available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

481—35.7(137A,137B,137C,137D,137E) Enforcement. The contractor shall enforce state laws and rules, including FDA regulations adopted by reference. These regulations are the legal basis of authority in licensing and inspection of establishments under this contract.

481—35.8(137A,137B,137D,137E) Licensing. The contractor shall issue licenses and collect license fees.

481—35.9(137A,137B,137C,137D,137E) Records. The contractor shall maintain records of all inspections, license applications and fees for a minimum of three years. Records shall be provided to the department upon its request.

481—35.10(137A,137B,137C,137D,137E) Reporting requirements. A report of all inspections made during the previous month shall be submitted to the department by the fifteenth day of the following month.

The contractor shall submit a semiannual listing of all licenses issued in the last 12 months on June 30 and December 31 of each year. Other data on licenses and inspections under this contract shall be submitted as requested by the department.

The contractor shall provide a monthly report of inspections performed for beer and liquor code violations to the Alcoholic Beverage Division, Department of Commerce, Ankeny, Iowa 50021.

The contractor shall provide a monthly report of inspections performed with fire code violations to the State Fire Marshal's Office, Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319.

481—35.11(137A,137B,137C,137D,137E) Contract rescinded. If the department determines that Iowa Code chapters 137A, 137B, 137C, 137D and 137E are not being enforced by the contractor, the department may rescind the agreement. Notification of the department's action will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

These rules are intended to implement Iowa Code sections 137A.5, 137B.6, 137C.6 and 137E.3 and chapter 137D.

[Filed 12/20/90, Notice 10/31/90—published 1/9/91, effective 2/13/91]

[Filed 4/12/91, Notice 3/6/91—published 5/1/91, effective 6/5/91]